

AMENDED IN ASSEMBLY JUNE 16, 1997

AMENDED IN SENATE APRIL 9, 1997

AMENDED IN SENATE MARCH 18, 1997

AMENDED IN SENATE MARCH 3, 1997

AMENDED IN SENATE FEBRUARY 25, 1997

SENATE BILL

No. 162

Introduced by Senator Haynes

January 16, 1997

An act to amend ~~Section~~ *Sections* 1463.007 and 1463.16 of the Penal Code, and to add and repeal Section 42007.1 of the Vehicle Code, relating to fines and forfeitures, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 162, as amended, Haynes. Fines and forfeitures: comprehensive collection programs.

(1) Under existing law, to be repealed June 30, 1997, any county or court that implements a comprehensive program to identify and collect fines and forfeitures that have not been paid after 60 days from the date on which they were due and payable, with or without warrant having been issued against the alleged violator, and for which the base fine excluding state and county penalties is at least \$100, may deduct and deposit in the county treasury the cost of operating that program, excluding capital expenditures, from any revenues

collected prior to making any distribution of revenues to other governmental entities required by any other provision of law.

This bill would authorize reimbursement of a county or court pursuant to this provision for the cost of operating a comprehensive collection program to identify and collect fines and forfeitures.

(2) Existing law requires a county that exercises the authority granted under the above provisions for the purpose of enhancing revenue collections to file an annual report of its activities with the Legislature.

This bill would specify the county officers required to file the report and the legislative committees with which the report is required to be filed.

(3) *Existing law requires that in the Counties of Los Angeles, Orange, San Diego, San Joaquin, and Stanislaus, \$50 for each conviction of specified Vehicle Code violations shall be deposited in a special account for exclusive allocation by the administrator of the county's alcoholism program, with the approval of the board of supervisors, for alcohol programs and services for the general population.*

This bill would include in this provision the Counties of Sonoma and San Luis Obispo.

(4) Existing law requires a fee to be collected from every person ordered or permitted to attend traffic violator school, in an amount equal to the total bail set forth for the eligible offense on the uniform countywide bail schedule.

This bill would increase that fee by \$24 until December 31, 1998, and would require this increase to be deposited in the General Fund.

~~(4)~~

(5) This bill would repeal the provisions in (1) and (2) above, as of January 1, 2000.

~~(5)~~

(6) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.



The people of the State of California do enact as follows:

SECTION 1. Section 1463.007 of the Penal Code is amended to read:

1463.007. Notwithstanding any other provision of law, any county or court that implements or has implemented a comprehensive program to identify and collect delinquent fines and forfeitures, with or without warrant having been issued against the alleged violator, and for which the base fine excluding state and county penalties is at least one hundred dollars (\$100), may deduct and deposit in the county treasury the cost of operating that program, excluding capital expenditures, from any revenues collected thereby prior to making any distribution of revenues to other governmental entities required by any other provision of law. This section does not apply to a defendant who is paying a fine or forfeiture through time payments, unless he or she is delinquent in making payments according to the agreed-upon payment schedule. *This section shall apply to costs incurred by a court or county prior to the implementation of a time payments agreement.* For purposes of this section, a comprehensive collection program is a separate and distinct revenue collection activity and shall include at least 10 of the following components:

- (a) Monthly bill statements to all debtors.
- (b) Telephone contact with delinquent debtors to apprise them of their failure to meet payment obligations.
- (c) Issuance of warning letters to advise delinquent debtors of an outstanding obligation.
- (d) Requests for credit reports to assist in locating delinquent debtors.
- (e) Access to Employment Development Department employment and wage information.
- (f) The generation of monthly delinquent reports.
- (g) Participation in the Franchise Tax Board's tax intercept program.
- (h) The use of Department of Motor Vehicle information to locate delinquent debtors.
- (i) The use of wage and bank account garnishments.

1 (j) The imposition of liens on real property and
2 proceeds from the sale of real property held by a title
3 company.

4 (k) The filing of objections to the inclusion of
5 outstanding fines and forfeitures in bankruptcy
6 proceedings.

7 (l) Coordination with the probation department to
8 locate debtors who may be on formal or informal
9 probation.

10 (m) The initiation of drivers' license suspension
11 actions where appropriate.

12 (n) The capability to accept credit card payments.

13 A comprehensive collection plan shall also include a
14 provision that the county shall share any debt collection
15 information acquired with state agencies entitled to
16 proceeds of restitution fines and orders.

17 Any county that exercises the authority granted in this
18 section for the purpose of enhancing its revenue
19 collections shall file an annual report of its activities with
20 the Legislature. The chief administrative officer of the
21 county or the clerk of the board of supervisors of the
22 county shall file the report with the Assembly and Senate
23 committees on the judiciary and the budget.

24 This section is repealed as of January 1, 2000, unless a
25 later enacted statute, which is enacted before this date,
26 deletes or extends the date.

27 SEC. 2. *Section 1463.16 of the Penal Code is amended*
28 *to read:*

29 1463.16. (a) Notwithstanding Section 1203.1 or 1463,
30 fifty dollars (\$50) of each fine collected for each
31 conviction of a violation of Section 23103, 23104, 23152, or
32 23153 of the Vehicle Code shall be deposited with the
33 county treasurer in a special account for exclusive
34 allocation by the county for the county's alcoholism
35 program, with approval of the board of supervisors, for
36 alcohol programs and services for the general population.
37 These funds shall be allocated through the local planning
38 process pursuant to specific provision in the county
39 alcohol program plan which is submitted to the State
40 Department of Alcohol and Drug Programs. Programs

shall be certified by the Department of Alcohol and Drug Programs or have made application for certification to be eligible for funding under this section. The county shall implement the intent and procedures of subdivision (b) of Section 11812 of the Health and Safety Code while distributing funds under this section.

(b) In a county of the 1st, 2nd, 3rd, 15th, ~~or 19th~~, 20th, or 24th class, notwithstanding Section 1463, of the moneys deposited with the county treasurer pursuant to Section 1463, fifty dollars (\$50) for each conviction of a violation of Section 23103, 23104, 23152, or 23153 of the Vehicle Code shall be deposited in a special account for exclusive allocation by the administrator of the county's alcoholism program, with approval of the board of supervisors, for alcohol programs and services for the general population. These funds shall be allocated through the local planning process pursuant to a specific provision in the county plan which is submitted to the State Department of Alcohol and Drug Programs. For those services for which standards have been developed and certification is available, programs shall be certified by the State Department of Alcohol and Drug Programs or shall apply for certification to be eligible for funding under this section. The county alcohol administrator shall implement the intent and procedures of subdivision (b) of Section 11812 of the Health and Safety Code while distributing funds under this section.

(c) The Board of Supervisors of Contra Costa County may, by resolution, authorize the imposition of a fifty dollar (\$50) assessment by the court upon each defendant convicted of a violation of Section 23152 or 23153 of the Vehicle Code for deposit in the account from which the fifty dollar (\$50) distribution specified in subdivision (a) is deducted.

(d) It is the specific intent of the Legislature that funds expended under this part shall be used for ongoing alcoholism program services as well as for contracts with private nonprofit organizations to upgrade facilities to meet state certification and state licensing standards and

1 federal nondiscrimination regulations relating to
2 accessibility for handicapped persons.

3 (e) Counties may retain up to 5 percent of the funds
4 collected to offset administrative costs of collection and
5 disbursement.

6 *SEC. 3.* Section 42007.1 is added to the Vehicle Code,
7 to read:

8 42007.1. Notwithstanding Section 42007, on and after
9 the effective date of this section to and including
10 December 31, 1998:

11 (a) The fee collected by the clerk pursuant to
12 subdivision (a) of Section 42007 shall be in an amount
13 equal to the total bail set forth for the eligible offense on
14 the uniform countywide bail schedule plus twenty-four
15 dollars (\$24).

16 (b) The fee revenues shall be allocated as follows
17 rather than as specified in subdivision (b) of Section
18 42007:

19 (1) Twenty-four dollars (\$24) of each fee collected
20 shall be deposited in the General Fund.

21 (2) Seventy-seven percent of the remaining amount
22 shall be deposited in the General Fund, except that 14
23 percent of the revenues allocated pursuant to this
24 paragraph from fees received on or after January 1, 1998,
25 shall be deposited in the State Courthouse Construction
26 Fund.

27 (3) The remaining amount collected under
28 subdivision (a) of Section 42007 shall be allocated as
29 provided in paragraph (2) of subdivision (b) of Section
30 42007.

31 This section shall remain in effect only until January 1,
32 1999, and as of that date is repealed, unless a later enacted
33 statute, which is enacted before January 1, 1999, deletes
34 or extends that date.

35 ~~*SEC. 3.*~~

36 *SEC. 4.* This act is an urgency statute necessary for the
37 immediate preservation of the public peace, health, or
38 safety within the meaning of Article IV of the
39 Constitution and shall go into immediate effect. The facts
40 constituting the necessity are:

1 In order to ensure that projected local revenue losses
2 relating to the operation of a comprehensive collection
3 program of fines and forfeitures do not occur, it is
4 necessary that this act take effect immediately.

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